

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-8**

<b>TITLE:</b> Request by <b>Albany Unified School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), for falling below the 1982/83 offered number of minutes at <b>Albany Middle School</b> during the 2001-2002 fiscal year.  <b>CDSIS:</b> 81-03-2003	<input checked="checked" type="checkbox"/> <b>ACTION</b> <input type="checkbox"/> <b>INFORMATION</b> <input type="checkbox"/> <b>PUBLIC HEARING</b> <input type="checkbox"/> <b>CONSENT</b>
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**RECOMMENDATION:**

The Department recommends approval on the condition that the district maintains increased instructional time at Albany Middle School to 56,178 minutes (55,664 minutes plus the 514 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2002-2003 and continuing through 2003-2004 and reports the increase in its annual audits.

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**Summary of Previous State Board of Education Discussion and Action:**

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

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**Summary of Key Issue(s):**

**Albany Unified School District** requests a waiver of *Education Code* Section 46202(b), for falling below the 1982/83 offered number of minutes at Albany Middle School. In an effort to save money, the district erroneously reduced the school day from seven periods to six periods. Unfortunately, the district did not take into account the 1982/83 minimum instructional minutes of 55,664, which was higher than the requirement of 54,000 for all middle schools.

Therefore, the Department recommends approval on the condition that the district maintains increased instructional time at Albany Middle School to 56,178 minutes (55,664 minutes plus the 514 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2002-2003 and continuing through 2003-2004 and reports the increase in its annual audits.

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Authority for the waiver: 46206

Bargaining unit(s) consulted on: 02/27/03

Position of bargaining unit (choose only one):

☐

Neutral

☒

Support

☐

Oppose

Name of bargaining unit representative: N. Schiller, K. Gray, A. Douglas

Local board approval date: 03/11/03

Effective dates of request: 09/05/01 to 06/14/02

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**Fiscal Analysis (as appropriate):**

- The repayment amount for offering less than the 1982-83 minutes for grade 7 at Albany Middle School per *Education Code* Section 46202 as required by law is: 255 (Affected ADA) times \$4,624.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$1,188,144.45 (Apportionment). 514 (number of minutes short) divided by 55,664 (Required number of minutes) equals 0.00923975. \$1,188,144.45 (Apportionment) times 0.92% (Percentage) equals \$10,971.30.
- The total fiscal penalty is **\$10,971.30**.

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**Background Information:**

Waiver request forms and supporting documents are attached.